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Letter dated 15 August 2008 from the Permanent Representative of Panama to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the Panama Declaration adopted by the delegations of Colombia, Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama and Peru at the Second Ministerial Conference on International Cooperation against Terrorism and Transnational Organized Crime, held from 26 to 29 May 2008 in Panama City (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly under agenda items 106, 107 and 108, and of the Security Council.

(*Signed*) Ricardo Alberto **Arias** A.
Ambassador
Permanent Representative

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Annex to the letter dated 15 August 2008 from the Permanent Representative of Panama to the United Nations addressed to the Secretary-General

Second Ministerial Conference on International Cooperation against Terrorism and Transnational Organized Crime

Panama, 26-29 May 2008

Panama Declaration

The delegations of Colombia, Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama and Peru, participating in the Second Ministerial Conference on International Cooperation against Terrorism and Transnational Organized Crime (hereinafter referred to as the Second Ministerial Conference), meeting in Panama City from 26 to 29 May 2008;

Reaffirming their most vehement condemnation of terrorism and transnational organized crime, especially because the violence and corruption they involve are detrimental to the strengthening of democracy, to the enjoyment of basic rights and fundamental freedoms, and to human development;

Renewing their commitment and political will to strengthen regional and international cooperation in order to continue efforts to prevent and eradicate terrorism and transnational organized crime;

Considering that terrorism is a scourge that transcends borders, making it imperative for States to continue working in a coordinated manner to prevent and combat it comprehensively by strengthening international cooperation in the areas of mutual legal assistance and extradition, in accordance with the internal legislation of each State and with international law;

Considering and following up on the work begun under the Panama Declaration on International Cooperation against Terrorism and Transnational Organized Crime[1] adopted in Panama City on 7 April 2006 at the First Ministerial Conference on International Cooperation against Terrorism and Transnational Organized Crime;

Reiterating the importance of States ensuring that all measures taken to prevent and combat terrorism comply with international human rights, refugee and humanitarian law and with all international norms for the protection of victims;

Reaffirming the need to ensure that asylum and refuge remain humanitarian in nature and that the rights of migrants are maintained and respected by the authorities concerned with combating terrorism and transnational organized crime;

Considering that terrorism may sometimes be linked to transnational organized crime and that it is therefore necessary to improve the channels of international cooperation in order to prevent and combat the threat that such collusion may pose to States, based on the principle of shared responsibility;

Reaffirming the commitments set out in the Global Counter-Terrorism Strategy,[2] adopted by consensus on 8 September 2006 by the General Assembly of

[1] Document A/60/820 adopted by the General Assembly and Security Council document A/60/820-S/2006/265.

[2] Resolution 60/288.

the United Nations, which constitutes the frame of reference for the international community as a whole in combating terrorism in all of its forms and manifestations;

Reaffirming also the conviction that strengthening efficient and effective international cooperation is an absolute priority in combating terrorism and transnational organized crime;

Recalling United Nations General Assembly resolution 62/71 of 6 December 2007, which requests the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime to continue its efforts to enhance, through its mandate, the capabilities of the United Nations in the prevention of terrorism;

Recalling also the Declaration of Panama on the Protection of Critical Infrastructure in the Hemisphere in the Face of Terrorism[3] and resolution AG/RES 2272 (XXXVII-O/07) on Support for the Work of the Inter-American Committee against Terrorism of the last General Assembly of the Organization of American States (OAS), in which the Assembly welcomes the offer made by the Government of the Republic of Panama to hold, inter alia, a Conference on Secure Trade and Transportation;

Emphasizing the importance of the Declaration on the Reaffirmation of the Hemispheric Commitment to Fighting Terrorism adopted at the Eighth Regular Session of the Inter-American Committee against Terrorism (CICTE), held in Washington, D.C. from 5 to 7 March 2008;

Recalling that, where applicable, the Hemispheric Plan of Action against Transnational Organized Crime, adopted on 25 October 2006 by the Permanent Council of the Organization of American States,[4] represents the frame of reference for countries of the region in implementing the United Nations Convention against Transnational Organized Crime and the optional Protocols thereto;

Noting the ongoing work under the mandates of the United Nations Office on Drugs and Crime (UNODC), headquartered in Vienna, and of the General Secretariat of the Organization of American States in providing technical assistance, strengthening cooperation among States and giving continuous support to enable States to meet their obligations under the universal instruments against terrorism[5]

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[3] Adopted at the Seventh Regular Session of CICTE (March 2007).

[4] Document CP/RES. 908 (1567/06).

[5] Convention on Offences and Certain Other Acts Committed on Board Aircraft (1963); Convention for the Suppression of Unlawful Seizure of Aircraft (1970); Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1971); Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (1973); International Convention against the Taking of Hostages (1979); Convention on the Physical Protection of Nuclear Material (1980); Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation (1988); Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (1988); Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (1988); Convention on the Marking of Plastic Explosives for the Purpose of Detection (1991); International Convention for the Suppression of Terrorist Bombings (1997); International Convention for the Suppression of the Financing of Terrorism (1999); International Convention for the Suppression of Acts of Nuclear Terrorism (2005); Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (2005); Protocol to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (2005); Amendment to the Convention on the Physical Protection of Nuclear Material (2005).

and transnational organized crime as well as under the Inter-American Convention against Terrorism, and expressing their appreciation to the Terrorism Prevention Branch of UNODC and to the Secretariat of CICTE of the OAS Secretariat for Multidimensional Security for co-hosting this Second Ministerial Conference;

Acknowledging also the presence of the Executive Directorate of the Counter-Terrorism Committee, the group of experts of the Security Council Committee established pursuant to resolution 1540 (2004), the Office of the United Nations High Commissioner for Human Rights, INTERPOL, the Latin American Institute for the Prevention of Crime and the Treatment of Offenders, Eurojust, the Guardia di Finanzas of Italy and the National Court (Audiencia Nacional) and Office of the Attorney General of Spain;

Declare that:

1. We recognize the importance of the international counter-terrorism instruments and the United Nations Convention against Transnational Organized Crime and the Optional Protocols thereto. In that connection, we urge all States that have not yet done so to consider ratifying them;

2. We congratulate the participating States that, since the adoption of the 2006 Panama Declaration, have become parties to the universal and regional instruments against terrorism and transnational organized crime, have adopted internal measures to incorporate the obligations arising from the said instruments into their national legislation, and have submitted reports to the Security Council committees concerned with counter-terrorism as well as the questionnaires on the application of the United Nations Convention against Transnational Organized Crime and the Optional Protocols thereto;

3. We invite the States participating in this Second Ministerial Conference to continue their efforts to adopt in their internal order the legal norms necessary for the effective implementation of the international instruments aimed at combating terrorism and transnational organized crime;

4. We reiterate the importance of the principle of due process and respect for human rights in criminal proceedings relating to terrorism and transnational organized crime and the need to ensure the protection of those involved in the process and of victims;

5. We will continue to collaborate with the Counter-Terrorism Committee (CTC) of the United Nations Security Council, established pursuant to resolution 1373 (2001), and with the committees established pursuant to resolutions 1267 (1999) and 1540 (2004);

6. We urge those States that have not yet done so to complete and submit to the Office of Treaty and Legal Affairs of UNODC the questionnaires on the application of the United Nations Convention on Transnational Organized Crime and the Optional Protocols thereto;

7. We stress the importance of progress in implementing the provisions of the Hemispheric Plan of Action against Transnational Organized Crime, taking into consideration, wherever possible, the recommendations of the Group of Experts responsible for its implementation;

8. We reiterate the importance of strengthening international coordination and cooperation measures and mechanisms to prevent, combat and eliminate

terrorism and transnational organized crime. In that connection, we urge participating countries to use international instruments, in accordance with their internal legal systems, as the legal basis for requests for extradition and mutual legal assistance and invite States to consider establishing central national INTERPOL offices within their police forces and adopting effective measures to make greater use of INTERPOL Red Notices and to use the INTERPOL I-24/7 communications system and integrated solutions as alternative channels for the transmittal of requests for the exchange of information;

9. We urge those states that have not yet done so to ratify and effectively implement the Inter-American Convention on Mutual Legal Assistance in Criminal Matters;

10. The attorneys general and public prosecutors of Latin America attending this Second Ministerial Conference urge the participating countries to designate, as the central authority for international instruments relating to criminal matters, the public prosecutor's office or the institution that is competent to handle requests for legal assistance from any country;

11. We are resolved to strengthen the regional and subregional cooperation mechanisms of which countries are members, and in particular to promote coordination initiatives, especially those proposed by the Meeting of Ministers of Justice or Ministers or Attorneys General of the Americas (REMJA), the Central American Commission of Public Prosecutor's Offices, IberRED, the Iberoamerican Association of Public Prosecutor's Offices, the Security Strategy for Central America and Mexico and the Commission of Police Chiefs of Central America, the Caribbean and Mexico. In that connection and as appropriate, to use the said mechanisms, taking as an example the use of the Groove Network provided by OAS;

12. The States participating in this Second Ministerial Conference may consider developing, within the scope of these regional and subregional mechanisms, such initiatives as setting up a liaison system for public prosecutors or creating a permanent body for coordination of criminal proceedings, among others;

13. We welcome the initiative of the Government of Panama to hold a Conference on Secure Trade and Transportation in this city in September 2008 as a means of implementing the mandate set out in the Declaration on the Protection of Critical Infrastructure, adopted at the seventh meeting of the Inter-American Committee against Terrorism;

14. We welcome the decision of the Government of Brazil to host the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, to be held in Salvador, Bahia, Brazil in 2010. In that connection, we urge the countries participating in this Second Ministerial Conference to continue their discussions on international cooperation to combat terrorism and transnational organized crime;

15. We call on:

(i) UNODC and the General Secretariat of OAS to continue to provide technical assistance to the participating States for the effective implementation of the universal counter-terrorism instruments, the Inter-American Convention against Terrorism and the United Nations Convention against Transnational Organized Crime and the Optional Protocols thereto;

(ii) The United Nations Office on Drugs and Crime, including its Terrorism Prevention Branch and its respective regional offices, to strengthen and maintain, under its mandate, the implementation of the United Nations Global Counter-Terrorism Strategy in coordination with the relevant regional bodies such as the Secretariat of the Inter-American Committee against Terrorism (CICTE) of the OAS Secretariat for Multidimensional Security;

(iii) The United Nations Office on Drugs and Crime, in close cooperation with CTC, its Executive Directorate and the other committees of the United Nations Security Council, to provide bilateral technical assistance to countries that request it in preparing and submitting their reports to the various committees;

(iv) The United Nations Office on Drugs and Crime, in close cooperation with the Secretariat for Multidimensional Security of OAS, to provide technical and financial assistance to financial intelligence units that request it;

(v) The Terrorism Prevention Branch of the United Nations Office on Drugs and Crime (UNODC/TPB) to increase its technical assistance and, jointly with the Secretariat of CICTE (SMS/OAS), to continue its special training programmes for judges, attorneys general and prosecutors, police officers and other authorities involved in implementing the universal counter-terrorism instruments, the Inter-American Convention against Terrorism and the United Nations Convention against Transnational Organized Crime and the Optional Protocols thereto. We also call on UNODC/TPB and the Secretariat of CICTE (SMS/OAS) to provide technical and financial assistance for the promotion and strengthening of international cooperation, particularly in extradition matters, when required, and of mutual legal assistance to ensure the successful conclusion of criminal investigations. We also call on these organizations to continue organizing subregional and regional training seminars and workshops on strengthening international cooperation in criminal matters;

16. We acknowledge the usefulness and importance of the technical assistance tools developed by the United Nations Office on Drugs and Crime, OAS and other international organizations, and we intend to consider using them in efforts to prevent, combat and eliminate international terrorism and transnational organized crime;

17. We request that the organizations participating in this Second Ministerial Conference circulate this Declaration to their respective memberships and/or member States;

18. We accept the offer of the United Mexican States to have its National Institute for the Study of Criminal Science of the Office of the Attorney General act as a training body for attorneys general, public prosecutors and experts from the countries participating in this Conference;

19. We thank the Government of the Republic of Panama for its hospitality and for having hosted this Second Ministerial Conference in Panama City from 26 to 29 May 2008.

Panama City, 29 May 2008